

*Effective 1-1-11*



KIM M. SMITH  
CIRCUIT JUDGE

## STATE OF ARKANSAS

FOURTH JUDICIAL CIRCUIT- SECOND DIVISION  
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November 23, 2010

Chief Justice Jim Hannah  
Supreme Court of Arkansas  
Justice Building  
625 Marshall  
Little Rock, AR 72201

RE: Administrative Order Number 14  
Fourth Judicial Circuit Administrative Plan

Dear Chief Justice:

As you know, on January 1, 2011, the Fourth Judicial Circuit will have a new judgeship, the Seventh Division of the Fourth Judicial Circuit Court. Judge Joanna Taylor will preside over the Seventh Division and, after thoroughly discussing the assignment of cases and to fully comply with Administrative Order Number 14, the judges of the Fourth Judicial Circuit have agreed to the implementation, on January 1, 2011, of the administrative plan as contained in this letter. Each judge recognizes his or her duty and obligation to hear cases on subject matters outside his or her own subject matter areas, especially in the absence of another judge. During the past seven years every judge in the district has heard a case outside of his or her assigned areas. We have a standing rule that all judges will consider a protective order when the assigned judge is out of the district or on the bench; therefore, the petitioners do not have to wait for the assigned judge to return to the district or be on a recess to have their petition considered.

One of the responsibilities of Judge Kim Smith, the Administrative Judge, is to assign a case to another judge in the circuit when there has been a recusal by the judge randomly assigned. In the year 2003, there were 40 such assignments; in the year 2004, 44 such assignments; in the year 2005, 36 such assignments; in the year 2006, there were 49 such assignments; in the year 2007, there were 50 such assignments; in the year 2008, there were 30 such assignments; and in the year 2009, as of this date, there have been 40 such assignments. This reflects the judges' recognition of their obligation and duty to preside over cases in the absence of, or recusal of, another judge in the circuit.

We have attempted to evenly distribute the judicial caseload in the Fourth Judicial Circuit and recognize that after implementation of the plan it may need to be altered to more equally divide the workload. To best utilize the judicial resources and the availability of prosecutors, public defenders, and juvenile court personnel, each judge is of the opinion that this plan will best utilize those resources in the Fourth Judicial Circuit and provide timely judicial services to the citizens of the Fourth Judicial Circuit.

The Honorable William A. Storey presides over the First Division and will preside over 85 percent of all criminal cases other than drug court cases and hot check cases, in both Washington and Madison counties. The estimate of projected case filings and revocation filings in 2011 for Judge Storey is a total of 2,245 criminal cases in the two counties. Some of the criminal cases will involve defendants who have not been arrested and are, therefore, not active cases. Please note that these figures are criminal cases filed, not criminal counts or defendants.

The Honorable Kim M. Smith presides over the Second Division and will be randomly assigned and preside over 36 percent of the civil cases filed in both Washington and Madison counties and all hot check cases filed in both counties. He will also have the responsibility of implementing our administrative plan and will have the responsibility of reviewing statistics in the circuit to ensure that we are effectively using our judicial resources. Judge Smith also has the responsibility of reviewing the caseloads to ensure an equal distribution of cases to each judge and the responsibility of assigning cases upon the recusal of a judge. In addition to the administrative duties the projected caseload filings in 2011 for Judge Smith is 172 hot check criminal cases, including revocations, and 1,586 civil cases for the circuit for a total projected case load of 1,758 cases in addition to the administrative duties.

The Honorable Stacey A. Zimmerman, judge of the Third Division, will preside over all juvenile subject matter cases including a new juvenile drug court in both Washington and Madison counties and shall be available for any other subject matter cases upon recusal of other judges in the Fourth Judicial Circuit. The assignment of all juvenile cases to Judge Zimmerman is required due to the unusual physical plant layout of the courtrooms and facilities in Washington County. Judge Zimmerman's chambers, the juvenile courtroom, detention facilities, probation offices, intake offices and other staff offices of the juvenile court are all housed in a facility approximately four miles from the Washington County Courthouse. All judges of this circuit are in agreement as to the assignment of juvenile cases to Judge Zimmerman, as it is Judge Zimmerman's desire to preside over all the juvenile cases. Other judges in the district have filled in for Judge Zimmerman in her courtroom and have taken juvenile cases on assignment. The estimate of the projected caseload filings in 2011 for Judge Zimmerman is 1,552 juvenile cases for both counties and she will preside over a new juvenile drug court. It will be noted that the juvenile cases are extremely time consuming and, therefore, Judge Zimmerman has fewer total cases assigned to her.

The Honorable Mary Ann Gunn presides over the Fourth Division and shall be responsible for all cases assigned to the Drug Court in both Washington and Madison counties. Judge Gunn will also be randomly assigned 20 percent of the civil cases and 20 percent of the domestic relations cases in both Washington and Madison counties. The estimate of the projected caseload filings in 2011 for Judge Gunn is 178 drug court defendants, 881 civil cases, and 560 domestic relation cases, all figures are for both counties, giving Judge Gunn a total of 1,619 cases. It will be noted that the drug court cases are extremely time consuming and, therefore, Judge Gunn has fewer total cases assigned to her.

The newly elected Honorable Beth Storey Bryan will preside over the Fifth Division of the Fourth Judicial Circuit, and shall be randomly assigned 10 percent of the civil cases, 36 percent of the domestic relations cases, and 40 percent of the probate cases in both

Washington and Madison counties. The estimate of the projected caseload filings in 2011 for Judge Storey Bryan is 441 civil cases, 1,009 domestic relation cases and 315 probate cases for a total caseload in both counties of 1,765 cases.

The Honorable Mark Lindsay, judge of the Sixth Division, shall be randomly assigned 10 percent of the civil cases, 15 percent of the criminal cases, 26 percent of the domestic relations cases, and 35 percent of the probate cases in both Washington and Madison counties. The estimate of the projected caseload filings in 2011 for Judge Lindsay is 441 civil cases, 313 criminal cases, 728 domestic relation cases and 275 probate cases, for a total of 1,757 cases in both counties.

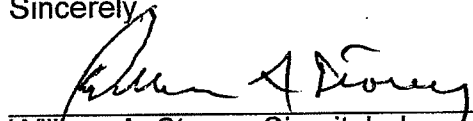
The newly elected Honorable Joanna Taylor will preside over the newly created Seventh Division of the Fourth Judicial Circuit, and shall be randomly assigned 24 percent of the civil cases, 18 percent of the domestic relations cases, and 25 percent of the probate cases in both Washington and Madison counties. The estimate of the projected caseload filings in 2011 for Judge Taylor is 1057 civil cases, 504 domestic relation cases and 197 probate cases for a total caseload of 1,758 cases in both counties.


The circuit judges of the Fourth Judicial Circuit have been meeting several times during the year to discuss caseload distribution and other matters that affect the efficient administration of justice in Washington and Madison counties.


Other than Drug Court cases, criminal hot check cases and juvenile cases, all other subject matter cases will continue to be assigned randomly. Using the percentages provided in the administrative plan, both circuit clerks provide for a random assignment of a judge. The circuit clerk in Washington County uses poker chips and the circuit clerk in Madison County uses a computer program. The administrative judge has emphasized to both clerks the importance of a random selection for each case that is filed in their office.

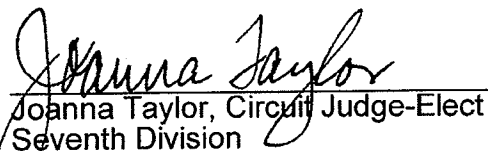
The judges of the Fourth Judicial Circuit present this plan to the Supreme Court for approval and would welcome any questions concerning the plan or its implementation.

Sincerely,

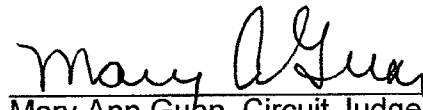
  
William A. Storey, Circuit Judge  
First Division

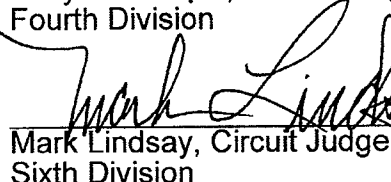
  
Stacey A. Zimmerman, Circuit Judge  
Third Division

  
Beth Storey Bryan, Circuit Judge-Elect  
Fifth Division

  
Joanna Taylor, Circuit Judge-Elect  
Seventh Division

  
Kim M. Smith, Circuit Judge  
Second Division

  
Mary Ann Guhn, Circuit Judge  
Fourth Division

  
Mark Lindsay, Circuit Judge  
Sixth Division